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10/622,360	07/17/2003	Wolfgang Kalthoff	13907-021002 / 2002P10180	5356
32864	7590	02/27/2007	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			DAILEY, THOMAS J	
			ART UNIT	PAPER NUMBER
			2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/622,360

Applicant(s)

KALTHOFF ET AL.

Examiner

Thomas J. Dailey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4 January 2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-87 are pending in this application.
2. Claims 78-87 were added by the preliminary amendment received on June 7, 2004.

### ***Claim Objections***

3. Claim 32 objected to because of the following informalities: on line 2 it recites "the unlocked data." This lacks antecedent basis in this or the previous claims. It is assumed to be referring to "the master data set" that was recited in claim 20, and will be interpreted as such for the remainder of this office action. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 5-8, 10-33, 36-70 and 79-87 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
6. As to claims 1, 5-8, 10-33, 36-39, and 79-82, the language of claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a useful, concrete and tangible result to form the

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basis of statutory subject matter under 35 U.S.C. 101. The claims appear to define the metes and bounds of an invention comprised of software alone without claiming associated computer hardware required for execution. Software alone, without a machine, is incapable of transforming any physical subject matter by chemical, electrical, or mechanical acts. Claims such as 2 and 3, more clearly recite where a practical application produces a useful, concrete, and tangible result as a computer system is recited and therefore the claims can no longer be interpreted as an abstract idea. Correction is required.

7. As to claims 40-70 and 83-87, as provided on page 12 lines 10-15, a computer program product is a computer program tangibly embodied in an information carrier, which can include "a propagated signal." Claims drawn to components involving signals encoded with functional descriptive material do not fall within any of the categories of statutory subject matter as set forth in 35 U.S.C. 101, and are therefore, ineligible for protection.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 20-30 and 59-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter et al. (US Pat. 5,418,945), hereafter "Carter."

10. As to claim 20, Carter discloses a method of sharing information, comprising:

defining a master data set in a first entity (column 3, lines 52-57);

assigning permissions, including permission to change data, to a subset of data within the master data set based on predetermined criteria (column 4, lines 52-58, permissions are assigned using password lists, one such password list being "a write password list");

transmitting a copy of the master data set (column 4, lines 25-33, the client reads on "a second entity") with indications of the permissions to a second entity (column 4, lines 52-58, password verification is the indication); and

receiving manipulated master data set in accordance with the assigned permissions (column 5, lines 38-45, the client updates the master file group after it is finished working with it).

11. As to claim 59, it is rejected by the same rationale set forth in claim 20's rejection.

12. As to claims 21 and 60, Carter discloses receiving a modified copy of the master data set from the second entity and integrating the modified copy of the master data set with the master data set (column 5, lines 38-45).

13. As to claims 22 and 61, Carter discloses receiving the modified copy of the master data set includes receiving additional data (column 4, lines 29-33, the editor on the client can "create new files," which will then be sent back as discloses in column 5, lines 38-45).
14. As to claims 23 and 62, Carter discloses receiving the modified copy of the master data set includes receiving changed data (column 4, lines 29-33 and column 5, lines 38-45).
15. As to claims 24 and 63, Carter discloses receiving changed data includes receiving data that has been changed in response to design considerations (column 4, lines 29-33 and column 5, lines 38-45).
16. As to claims 25 and 64, Carter discloses assigning permissions includes assigning authority to read data (column 4, lines 52-58, access password list reads on "authority to read data").
17. As to claims 26 and 65, Carter discloses assigning permissions includes assigning authority to change data that is a subset of the transmitted copy of the master data (column 52-58).

18. As to claims 27 and 66, Carter discloses assigning permissions includes assigning authority to add data (column 4, lines 29-33 and column 4, lines 52-58).

19. As to claims 28 and 67, Carter discloses assigning permissions includes assigning authority to delete data (column 4, lines 29-33 and column 4, lines 52-58).

20. As to claims 29 and 68, Carter discloses assigning permissions includes assigning authority to access predetermined types of data within the subset (column 4, lines 52-58).

21. As to claims 30 and 69, Carter discloses assigning permissions includes assigning permissions based on at least one of an identity of an entity, a function of the entity (column 4, lines 52-58, permission is based on function, either access or write functionality) and a user's position within the entity.

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 1-5, 7-19, 31-34, 36-44, 46-58, 70-72, and 74-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of Fabbio (US Pat. 5,335,346).

24. As to claim 1, Carter discloses a method of sharing information, comprising:

defining a stored data set maintained by a first entity (column 3, lines 52-57) to include a locked data set and an unlocked data set (column 4, lines 25-33 and column 4, lines 52-58, database is stored at a server and a list is maintained the determines what data is accessible to whom); and

providing a second entity with access to the stored data set (column 4, lines 25-33, the client is "the second entity").

Carter does not disclose the second entity having permission to view the locked data set and to change only the unlocked data set. Rather, on column 4, lines 53-58, Carter discloses the client (the second entity) being able to either access the database or write to the database. Therefore, the database is not broken up, i.e. a portion of it will be readable and the other portion will be writeable, but instead, in Carter, the entire database is treated the same way.



However, Fabbio discloses where permissions are broken up so that portions of a database are only readable (locked data set) and other portions are writeable (unlocked data set) (column 3, lines 27-31 and column 8, lines 9-19, the file system of Fabbio is broken up into objects (data sets) and each object has associated permissions for either reading or writing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Fabbio in order to allow micromanagement of Carter's databases, i.e. allow the database to be treated as a collection of objects rather than just one.

25. As to claim 33, Carter discloses a method of sharing information, comprising:

receiving, from a first entity in a second entity, a copy of a master data set with permissions for using the master data set (column 4, lines 25-33 and column 4, lines 52-58, database is stored at a server and a list is maintained the determines what data is accessible to whom);

modifying the copy of the master data set according to the permissions (column 4, lines 29-33 and column 5, lines 38-45); and

transmitting the modified copy of the master data set to the first entity (column 5, lines 38-45).

Carter does not disclose the master data set including locked and unlocked data. Rather, on column 4, lines 53-58, Carter discloses the client (the second

entity) being able to either access the database or write to the database.

Therefore, the database is not broken up, i.e. a portion of it will be readable and the other portion will be writeable, but instead, in Carter, the entire database is treated the same way.

However, Fabbio discloses where permissions are broken up so that portions of a database are only readable (locked data set) and other portions are writeable (unlocked data set) (column 3, lines 27-31 and column 8, lines 9-19, the file system of Fabbio is broken up into objects (data sets) and each object has associated permissions for either reading or writing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Fabbio in order to allow micromanagement of Carter's databases, i.e. allow the database to be treated as a collection of objects rather than just one.

26. As to claim 40, it is rejected by the same rationale set forth in claim 1's rejection.

27. As to claim 71, it is rejected by the same rationale set forth in claim 33's rejection.

28. As to claims 2, 34, 41, and 72, Carter discloses a second entity with access to the stored data set includes providing an application in a computer system with

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access to the stored data set (column 4, lines 6-11, the client computer system (the second entity) runs a client (an application) that has access to the data).

29. As to claims 3 and 42, Carter discloses providing an application in a computer system with access to the stored data set includes providing an application maintained at a location external to the first entity with access to the stored data set (column 4, lines 6-11, the client system is remote from the servers storing the master databases).

30. As to claims 4 and 43, Carter discloses providing a computer aided design system with access to the stored data set (column 4, lines 6-11 and column 4, lines 25-33).

31. As to claims 9 and 48, Carter discloses providing a computer aided design system with access to the stored data set (column 4, lines 6-11 and column 4, lines 25-33).

32. As to claims 5 and 44, Fabbio discloses defining a stored data set maintained by a first entity to include a locked data set and an unlocked data set includes defining the locked data set to include information to call the application and the unlocked data set to include data to be used by the application (column 3 and

lines 27-31, the invocation of an operation on an object reads on "call the application" and read correlates to "data to be used by the application").

33. As to claims 7 and 46, Carter discloses providing a second entity with access to the stored data set includes sending the data to the second entity (column 4, lines 25-33).

34. As to claims 8 and 47, Fabbio discloses providing the first entity with access to the stored data set, the first entity having permission to view the unlocked data set and to change only the locked data set (column 3, line 64-column 4, line 1, readable data reads on the unlocked data set and writeable data reads on the locked data).

35. As to claims 10 and 49, Carter discloses providing a second entity with access includes providing an entity that is external to the first entity with access (column 4, lines 4-11).

36. As to claims 11 and 50, Fabbio discloses defining the stored data set to include a locked data set and an unlocked data set includes assigning data in the stored data set to the locked data set and an unlocked data set based on predetermined criteria (column 3, line 64-column 4, line 1).

37. As to claims 12 and 51, Fabbio discloses defining the stored data set to include a locked data set and an unlocked data set further includes defining the stored data set to include a restricted data set including data that is not part of the locked data set or the unlocked data set (column 3, lines 27-31, readable objects read on "unlocked data," writeable objects read on "locked data," executable objects read on "restricted data.")

38. As to claims 13-14 and 52-53, Fabbio discloses assigning data to the locked data set based on closeness criteria includes assigning data to the locked data set based on at least one of geometric closeness, organizational closeness (column 3, line 64 – column 4, 1, it is inherent that the grouping of "group ids" will be according to organizational closeness in any network, and collective closeness.

39. As to claims 15 and 58, Carter discloses assigning data in the stored data set to the locked data set and the unlocked data set based on a function of the second entity (column 4, lines 52-58, permission is based on function, either access or write functionality).

40. As to claims 16 and 55, Carter discloses defining data included in the unlocked data set for the second entity as locked for other entities (column 5, lines 21-26).

41. As to claims 17 and 56, Carter discloses defining data included in the unlocked data set for the second entity as locked for all other entities during a period of time when the second entity has access to the unlocked data set (column 5, lines 21-26).

42. As to claims 18 and 57, Carter discloses:

transmitting data from the stored data set to the second entity (column 4, lines 25-33);

receiving modified data from the second entity (column 5, lines 38-45); and  
integrating the modified data corresponding to the unlocked data set into the stored data set (column 5, lines 38-45).

43. As to claims 19 and 58, Fabbio discloses defining the stored data set to include a locked data set and an unlocked data set based on user input (Fig. 9A, labels 901 and 903).

44. As to claims 31 and 70, Fabbio discloses assigning permissions according to a hierarchy within the second entity so that a highest ranking member of an entity has a greater number of permissions, and a number and extent of permissions decrease as rank decreases (column 9, lines 22-32, Fabbio system includes administration rights and that, inherently has a hierarchical structure).

45. As to claim 32, Carter does not disclose assigning different permissions for different subsets of *the master data set*.

However, Fabbio discloses assigning different permissions for different subsets of *the master data set* (unlocked data set) (column 3, lines 27-31 and column 8, lines 9-19, the file system of Fabbio is broken up into objects (data sets) and each object has associated permissions for either reading or writing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Fabbio in order to allow micromanagement of Carter's databases, i.e. allow the database to be treated as a collection of objects rather than just one.

46. As to claims 36 and 74, Carter discloses performing design processes on the unlocked portion of the data (column 4, lines 29-33).

47. As to claims 37 and 75, Carter discloses receiving permissions to do at least one of read, change, delete and add data to the unlocked data (column 4, lines 52-58).

48. As to claim 38 and 76, Fabbio discloses receiving the copy of the master data set with permissions based on subsets of the unlocked data, with different

permissions assigned for different subsets of the unlocked data (column 3, lines 27-31 and column 8, lines 9-19).

49. As to claims 39 and 77, Carter discloses receiving the copy of the master data set with permissions based on at least one of an identity of the second entity (column 4, lines 52-58), a function of the second entity and a hierarchy of users within the second entity.

50. Claims 80-81 and 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, as applied to claims 20 and 59, in view of Sweeney et al (US Pat. 5,966,715), hereafter "Sweeney."

51. As to claims 80 and 85, Carter does not disclose receiving additional data includes receiving test results. Rather, Carter's additional data is generic and it does not specifically disclose the additional data's contents.

However, Sweeney discloses receiving additional data includes receiving test results (column 12, lines 16-29, the application is tested and new data is added to it and distributed to users). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Sweeney in order to give Carter's system a specific function, such as the ability to test the applications.



52. As to claims 81 and 86, Carter does not disclose receiving changed data includes receiving data that has been changed in response to testing.

However, Sweeney discloses receiving changed data includes receiving data that has been changed in response to testing (column 12, lines 16-29, the application is tested and new data is added to it and distributed to users).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Sweeney in order to give Carter's system a specific function, such as the ability to test the applications.

53. Claims 6, 35, 45, 73, 78-79, 82-84, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of Fabbio, as applied to claims 1, 33, 40, and 79, in further view of Sweeney.

54. As to claims 6, 35, 45, and 73, Carter and Fabbio do not disclose defining version data for the application as the locked data set and defining raw data for the second entity to look at or use as the unlocked data. Rather, neither teachings get into specifics in regards to what the data sets comprise.

However, Sweeney discloses defining version data for the application as the locked data set and defining raw data for the second entity to look at or use as

the unlocked data (column 8, line 66-column 9, line 15, the Version Control Manager has access (read only) to the version information (locked data or version data) and the rest of the application (unlocked data or raw data) can be executed or modified).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Fabbio with the teaching of Sweeney in order to give have the data represent something specific such as in version information which was disclosed in Sweeney.

55. As to claim 78 and 83, Carter and Fabbio do not disclose providing an application in a computer system with access to the stored data set includes providing a testing application with access to the stored data set.

However, Sweeney discloses providing an application in a computer system with access to the stored data set includes providing a testing application with access to the stored data set (column 12, lines 16-29, Sweeney's system includes means to test the databases and programs).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Sweeney in order to give Carter's system a specific function, such as the ability to test the applications.

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56. As to claims 79 and 84, they are rejected by the same rationale set forth in claim 78's rejection.

57. As to claims 82 and 87, Carter and Fabbio do not disclose modifying the copy of the master data set includes performing testing on the unlocked portion of the data.

However, Sweeney discloses modifying the copy of the master data set includes performing testing on the unlocked portion of the data (column 12, lines 16-29, the application is tested and new data is added to it and distributed to users).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Fabbio with the teaching of Sweeney in order to give Carter's system a specific function, such as the ability to test the applications.

### ***Conclusion***

58. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

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59. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

60. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TJD

2/12/2007



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